

1 **BEFORE THE ARIZONA STATE BOARD OF**
2 **OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**
3
4

5 In the Matter of:

6 **DAVID W. BURNETT, D.O.**
7 Holder of License No. 1720
8 for the practice of osteopathic
medicine in the State of Arizona.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

9 **INTRODUCTION**

10 After issuance of the Arizona Board of Osteopathic Examiners in Medicine and Surgery
11 (hereafter "Board") Complaint and Notice of Hearing in this matter, the Board conducted an
12 administrative hearing on March 30, 1996; and, David W. Burnett, D.O. (hereafter, "Respondent")
13 did not personally appear or file an answer to the Board's Complaint. Based upon the evidence
14 presented at the hearing the Board authorized the issuance of the following findings of fact,
15 conclusions of law and order.

16 **FINDINGS OF FACTS**

17 1. The Board is the duly constituted authority for the regulation and control of the
18 practice of osteopathic medicine in the State of Arizona.

19 2. Respondent is the holder of License No. 1720 for the practice of osteopathic
20 medicine in the State of Arizona. Respondent's Arizona license was not renewed on December
21 31, 1994, as required by A.R.S. § 32-1825. Said osteopathic physician license was placed on
22 suspended status in 1995 when Respondent failed to renew his license on or before April 1, 1995,
23 due to the fact that there was a pending Board investigation of unprofessional conduct and
24 pursuant to A.R.S. § 32-1825(D) and A.R.S. § 32-3202.

25 3. Respondent received License No. 9227 issued by the Mississippi State Board of
26 Medical Licensure on August 22, 1980 for the practice of medicine in the State of Mississippi.

1 4. Pursuant to agreement dated July 21, 1994, David W. Burnett, D.O. entered into a
2 Consent Order with the Mississippi State Board of Medical Licensure (hereafter, "Mississippi
3 Board") which placed his license on suspension for a period of five (5) years with the suspension
4 stayed subject to probationary terms and conditions. The Mississippi Board Order was based on
5 the Respondent admitting he was chemically dependant and admitting to violation of Mississippi
6 statutes governing the practice of medicine, i.e., unlawful use of controlled substances.

7 5. On November 7, 1994, the Mississippi Board issued an order prohibiting
8 Respondent from practicing medicine until he completed treatment for chemical dependency.

9 **CONCLUSIONS OF LAW**

10 1. The Arizona State Board of Osteopathic Examiners has jurisdiction over the
11 subject matter presented by the complaint, pursuant to A.R.S. § 32-1800, et seq., and A.R.S. § 32-
12 3202.

13 2. The Board has personal jurisdiction over Respondent as a licensee of the Board
14 and after having served Respondent with notice of the Board's Complaint and Notice of Hearing
15 by complying with the requirements of A.R.S. § 32-1855(F), i.e., mailing copy of Board
16 Complaint and Notice of Hearing to Respondent, by U.S. certified mail and addressed to his last
17 known address of record.

18 3. The Board has the authority to enter an order for final disposition of this case,
19 pursuant to A.R.S. § 32-1855.

20 4. The Board has received substantial evidence establishing that the Respondent
21 engaged in unprofessional conduct as defined at A.R.S. § 32-1854(18), i.e., the suspension of a
22 license to practice as a physician in another state and, A.R.S. § 32-1854(22), i.e., using controlled
23 substances or prescription-only drugs unless they are provided by a medical practitioner, as part
24 of a lawful course of treatment.

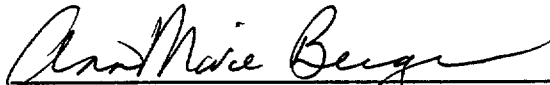
1 **ORDER**

2 Pursuant to the authority vested in the Board by A.R.S. § 32-1855(J), **IT IS HEREBY**
3 **ORDERED THAT:**

4 1. The license to practice as an osteopathic physician in the State of Arizona that was
5 issued to David W. Burnett, D.O. (Respondent") is revoked; and, pursuant to A.R.S. § 32-
6 1822(F), a person who has had his license revoked may apply for a license two (2) years after
7 revocation.

8 **ISSUED AND EFFECTIVE** this 22nd day of April, 1996.

9 ARIZONA BOARD OF OSTEOPATHIC
10 EXAMINERS IN MEDICINE AND SURGERY

11 
12 ANN MARIE BERGER, Executive Director
13 141 E. Palm Lane, Suite 205
Phoenix, Arizona 85004

14 **NOTICE:** Pursuant to A.R.S. § 41-1062(B), Respondent may file a motion for
15 rehearing within no more than fifteen (15) days of service of the Board's
16 Order upon Respondent. Service is deemed effective on date of mailing to
Respondent by U.S. certified mail. The motion for rehearing shall be
mailed or delivered to the Board's executive director.

17 Served by sending U.S. certified mail
18 this 23rd day of April, 1996, to:

19 David W. Burnett, D.O.
20 315 11th Avenue
Lumberton, Miss. 39455
(Last known address of record)

21 Mailed this 23rd day of April,
22 1996, to:

23 Michael N. Harrison
24 Assistant Attorney General
Civil Division (LES)
25 1275 W. Washington
Phoenix, AZ 85007

1 Mississippi State Board
of Medical Examiners
2 Attention: Doyle Bradshaw, Executive Officer
2688-D Insurance Center Drive
3 Jackson, MS 39216

4 Arizona State Board of Pharmacy
5060 N. 19th Avenue, Suite 101
5 Phoenix, AZ 85015

6 National Practitioner Data Bank
P.O. Box 10832
7 Chantilly, VA 22021

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9 By: Karen L. Pullay
Legal Secretary
10 LES95-0136
11 mnh\pld\burnett.pld

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